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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 United States of America,

10 Plaintiff,

11 v.

12 Aaron Thomas Mitchell,

13 Defendant.  
14

No. CR-22-01545-001-TUC-RM (EJM)

**ORDER**

15 Pending before the Court is the Government's Second Motion to Exclude Testimony  
16 of Defendant's Expert Dr. Bradley McAuliff. (Doc. 273.) The Government seeks to  
17 preclude any testimony by Dr. McAuliff related to the investigation of this case in general  
18 and the credibility of witnesses called by the Government. (*Id.* at 1.) On August 14, 2024,  
19 the Court held oral argument on the Motion and took the matter under advisement.

20 Having considered the parties' arguments, the Court will permit Dr. McAuliff to  
21 present testimony on witness suggestibility and forensic interviews generally, including the  
22 factors that may increase suggestibility and decrease accuracy, and the practices and  
23 procedures that should be implemented in forensic interviews with minors. Additionally,  
24 Dr. McAuliff may address whether proper protocols and techniques were used in this case.  
25 However, the Court will preclude Dr. McAuliff from testifying about conclusions he has  
26 drawn from the discovery in this particular case, including the credibility or veracity of the  
27 alleged victim or any other witnesses. Such opinions would inappropriately invade the  
28 fundamental province of the jury in determining witness credibility. *See United States v.*

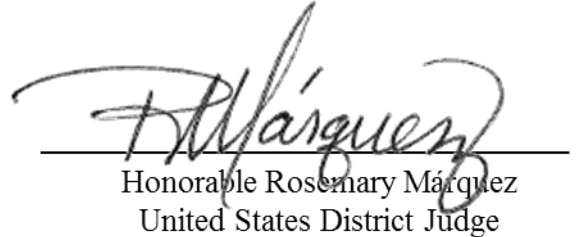
1 *Candoli*, 870 F.2d 496, 506 (9th Cir. 1989) (“An expert witness is not permitted to testify  
2 specifically to a witness’ credibility or to testify in such a manner as to improperly buttress  
3 a witness’ credibility”); *see also United States v. Dudley*, No. CR-22-006-RAW, 2023 WL  
4 1781793, at \*1 (E.D. Okla. Feb. 6, 2023) (“McAuliff may not testify as to his conclusions  
5 based on his review of the discovery in this case, including the credibility or veracity of  
6 any statements made by the alleged victim or other witnesses in this case”).

7 Accordingly,

8 **IT IS ORDERED** that the Government’s Second Motion to Exclude Testimony of  
9 Defendant’s Expert Dr. Bradley McAuliff (Doc. 273) is **granted in part and denied in**  
10 **part**, as set forth herein.

11 Dated this 14th day of August, 2024.

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Honorable Rosemary Márquez  
United States District Judge